

REMARKS

The application has been reviewed in light of the Office Action dated August 21, 2007. Claims 1-10 are pending in this application, with claims 1 and 9 being in independent form. By the present Amendment, claims 1, 4 and 5 have been amended and claims 9 and 10 have been added. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claims 4 and 5 have been reviewed and amended to attend to the points raised in the Office Action. Withdrawal of the rejection under Section 112, second paragraph, is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. §103(a) as allegedly obvious form U.S. Patent 6,524,251 to Rabiner et al. in view of U.S. Patent 5,931,787 to Dietz et al. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit independent claims 1 and 9 are patentable over the cited art, for at least the following reasons.

Independent claim 1 relates to a catheter for insertion into the human body and which includes one or more optionally scanning ultrasonic transducers as well as a surgical instrument to be operated from the outside. The catheter includes one or more parts (2, 3) of a substantially completely circular or partially circular cross section, where a rod (4) is inserted between the parts and at the end is provided with an ultrasonic transducer (7). The completely or partially circular parts (2, 3) are surrounded by an outer tube (5) passed over the completely or partially circular parts, and the surface of at least one of the completely or partially circular parts (2) is provided with a longitudinal groove (6) for the insertion of the surgical instrument. The completely or partially circular parts (2,3) removably engage each other and are kept together by the outer tube (5) when the catheter is assembled.

Rabiner et al., as understood by Applicants, relates to an ultrasonic device for tissue ablation and sheath for use therewith. Fig. 3f shows a sheath with two semi-cylindrical halves that are connected to each other by one or more connecting means. There is no indication in the Rabiner et al. that the two semi-cylindrical halves are separable in any manner.

Accordingly, Applicants find no teaching or suggestion in Rabiner et al. of a catheter where the completely or partially circular parts removably engage each other and are kept together by the outer tube when the catheter is assembled, as recited in independent claim 1.

Dietz et al. was cited as allegedly teaching a longitudinal groove. In any event, Applicants submit Dietz et al. provides none of the elements missing from Rabiner et al. that would have made the claims obvious to a person of ordinary skill in the art.

Accordingly, Applicants submit independent claim 1 is patentable over the cited art. In addition, Applicants submit independent claim 9 is also patentable over the cited art. For example, Applicants find no teaching or suggestion in the cited art of a pair of substantially completely circular or partially circular cross sectional parts, the substantially completely circular or partially circular cross sectional parts removably engaging each other and an outer tube passing over and holding the substantially completely circular or partially circular cross sectional parts together, wherein a surface of at least one of the substantially completely or partially circular parts is provided with a longitudinal groove for insertion of the surgical instrument, as recited in independent claim 9.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', is written over a horizontal line.

RICHARD F. JAWORSKI

Reg. No. 33,515

Attorney for Applicant

Cooper & Dunham LLP

Tel.: (212) 278-0400